

RENTON CITY COUNCIL
Regular Meeting

April 10, 2006
Monday, 7:00 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

Mayor Kathy Keolker called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

**ROLL CALL OF
COUNCILMEMBERS**

RANDY CORMAN, Council President; DON PERSSON; MARCIE PALMER; TERRI BRIERE; DENIS LAW; DAN CLAWSON. MOVED BY LAW, SECONDED BY CORMAN, COUNCIL EXCUSE ABSENT COUNCILWOMAN TONI NELSON. CARRIED.

**CITY STAFF IN
ATTENDANCE**

KATHY KEOLKER, Mayor; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; LYS HORNSBY, Utility Systems Director; TERRY HIGASHIYAMA, Community Services Administrator; LESLIE BETLACH, Parks Director; ALEX PIETSCH, Economic Development Administrator; LINDA HERZOG, Interim Assistant to the CAO; INTERIM CHIEF LARRY RUDE, DEPUTY CHIEF CHUCK DUFFY and FIRE MARSHAL/BATTALION CHIEF STAN ENGLER; INTERIM CHIEF KEVIN MILOSEVICH and COMMANDER FLOYD ELDRIDGE, Police Department.

**ADMINISTRATIVE
REPORT**

Linda Herzog, Interim Assistant to the CAO, reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2006 and beyond. Items noted included:

- * Everyone is invited to tune into KING 5 TV on April 20th at 7:00 p.m. as *Evening Magazine* reveals why Renton's Liberty Park Skate Park is Western Washington's official favorite according to *Evening Magazine's* "Best of Western Washington" contest.
- * The Henry Moses Aquatic Center opens to the public on June 17th.

AUDIENCE COMMENT
Citizen Comment: Key -
Citizen Initiative, Fireworks
Ordinance

Robert Key, 1008 Anacortes Ave. NE, Renton, 98059, spoke on the topic of the citizen fireworks initiative. He stated that he does not support fireworks in Renton, as the use of fireworks causes injuries, property loss, trauma to pets and people, and expense to the City.

MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL SUSPEND THE RULES AND ADVANCE TO ITEM 5.c. ON THE CONSENT AGENDA. CARRIED.

Consent Agenda

Item 5.c.

Public Safety: Citizen
Initiative, Fireworks
Ordinance

Administrative, Judicial and Legal Services Department submitted King County certified initiative petition with proposed ordinance filed by Jerry Farley. The proposed ordinance repeals Renton Ordinance 5088, and enacts provisions regarding the possession, sale, and discharge of fireworks in Renton. Approval was sought to request that King County place the proposed fireworks ordinance on the 9/19/2006 election ballot.

City Attorney Larry Warren stated that in regards to this matter, Council only has the following two options: 1) adopt the petition ordinance as is; or 2) submit the petition ordinance for the next possible election ballot, which is on 9/19/2006.

Councilmembers noted that the proposed ordinance: allows fireworks not only on July 4th, but around the New Year as well; expands the hours of fireworks discharge from 15 (prior to the fireworks ban in Renton) to 125 annually; makes it more difficult for law enforcement to prosecute the misuse of fireworks; and is not well written.

MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN PLACING THE PROPOSED FIREWORKS ORDINANCE ON THE ELECTION BALLOT. CARRIED. Mayor Keolker stated for the record that neither she nor any Councilmember is happy about this.

Councilwoman Briere noted that the City cannot campaign against the proposed ordinance. Mayor Keolker added that Council can choose to take a position on the matter. Councilman Clawson pointed out that placing this issue on the election ballot will cost the City an estimated \$85,000.

Citizen Comment: Petersen -
Highlands Sub-Area Plan

Inez Petersen, 3306 Lake Washington Blvd. N., #3, Renton, 98056, questioned the potential expenditure of \$5 million for a trail, as discussed in Committee of the Whole, when there are streets that need paving. Additionally, she commented that she has not received the financial information that she requested regarding the Highlands Sub-Area Plan Options A and B. Ms. Petersen questioned the accuracy of the City's Highlands area crime statistics, and expressed her disappointment with the Environmental Review Committee's determination on April 4th regarding the area's zoning. She noted that citizens have until April 24th to appeal this decision.

Citizen Comment: Dieffenbach
- Persecution of Falun Gong
Practitioners

Lawrence Dieffenbach, 18026 Midvale Ave. N., Shoreline, 98133, stated that he was speaking on behalf of Falun Gong practitioners in Washington State, requesting that Council send a message to President Bush and Governor Gregoire asking that they speak with the People's Republic of China President Hu Jintao during his upcoming visit about Falun Gong persecution in China. Mr. Dieffenbach expressed concern regarding the violation of human rights, stressing that there must be accountability in China.

Citizen Comment: Tsang -
Persecution of Falun Gong
Practitioners

Tony Tsang, 5301 164th Ave. SE, Bellevue, 98006, expressed concern about the persecution of Falun Gong practitioners in China, which has also extended overseas to countries where Falun Gong is active. He urged Council to write a letter to President Bush and Governor Gregoire requesting that they talk to Chinese leader Hu Jintao about Falun Gong persecution during his upcoming visit to Seattle.

Citizen Comment: Madson -
Citizen Initiative, Fireworks
Ordinance

Lori Madson, 1301 SW 16th St., Renton, 98055, stated that many people worked hard to get fireworks banned in the City of Renton, and she expressed disappointment with the proposed citizen petition ordinance that would repeal Renton's fireworks ban ordinance. Ms. Madson commented that the effort to repeal the ban is fueled by money, as the person spearheading this effort is a lobbyist for the fireworks industry. She noted that the estimated \$85,000 necessary to place the proposed ordinance on the election ballot could have been spent hiring a professional fundraiser to work with groups that profit from the selling of fireworks to find alternative ways of raising money. Ms. Madson questioned who is going to lobby for those who support the fireworks ban, and asked what she can do to help.

Mayor Keolker stated that the Administration and Council are also very frustrated over this matter. City Attorney Warren explained that Councilmembers and City staff are prohibited by State law from using any City

facilities to campaign for or against any ballot initiative; however, the City can provide strictly factual information such as property damage statistics. He indicated that elected officials and City staff can campaign on their own time.

Councilmembers made suggestions as to what type of organizations Ms. Madson can contact, and what she can do to help support the fireworks ban. It was also suggested that at a future meeting, Council invite speakers to speak for and against this initiative.

Citizen Comment: Temple -
Pavilion Building/Downtown
Transit Center Safety
Concerns

Eric Temple, President of the Spirit of Washington, 625 S. 4th St., Renton, 98055, spoke on the topic of public safety, saying that an assault occurred over the weekend at the Pavilion Building, which is used as an event center. He commented that public safety in the downtown area has been an ongoing issue, and he asked that the City take stronger action.

Citizen Comment: Quincy -
Pavilion Building/Downtown
Transit Center Safety
Concerns

Don Quincy, Spirit of Washington Food and Beverage Director, 625 S. 4th St., Renton, 98055, reported that he and a client were assaulted on April 8th at the Pavilion Building by 15 kids walking through the parking lot. He asked for more police presence in the area, noting that he personally patrols the area to try to ensure that his clients and employees are safe. He described the unruly behavior, which occurs on a daily basis at the Renton Transit Center, as well as past incidents, including verbal abuse, fights, and thefts that have affected Pavilion Building events and clients. Expressing his concern for the safety of his employees and clients, Mr. Quincy asked for more help.

Interim Police Chief Kevin Milosevich reported that police responded to the assault on April 8th in approximately 80 seconds. The parties involved were identified; however, Mr. Quincy chose not to press charges. The client who was also assaulted was unable to identify the perpetrator. Interim Chief Milosevich stated that a tremendous amount of staff time has been spent on the subject of transit center safety. He encouraged people who witness unruly behavior to call 911, and to also be willing to prosecute in cases such as this.

In response to Councilman Law's inquiry, Interim Chief Milosevich reviewed when and how officers patrol the area. He acknowledged the Mayor's efforts in working with King County Metro on this issue, and noted the importance of drawing people to the downtown area. Mr. Law suggested that the police coordinate with the event center, and he asked about the enforcement of inappropriate behavior.

City Attorney Warren stated that enforcement can be difficult as there is a fine line between free speech rights and violating the law. He noted that a number of statutes, such as loitering, have been found to be unconstitutional. Mr. Warren indicated that he will continue to work with the Police Department to see if there are additional ways to expand the City's authority.

Councilman Law stated than an environment needs to be created whereby unruly activities are not welcome, and he suggested the possibility of allocating overtime for a stronger police presence.

Councilman Clawson indicated that when a large group of people is involved, the promoters of events often hire police or security guards. He commented that Spirit of Washington is leasing the building from the City at a reasonable rate. Noting that more police officers are needed all over the City, Mr. Clawson suggested that perhaps Spirit of Washington can also contribute by hiring security for the events.

Expressing his disagreement, Mr. Law stated that public safety is the City's responsibility. He indicated that the City needs to prioritize how its resources are allocated, and pointed out that all of the downtown marketing is for naught if people feel intimidated.

Council President Corman reported that this subject reminds him of other code enforcement issues for which City ordinances were updated to provide the enforcement tools. Updated ordinances may be needed to address intimidation, threats, and other unacceptable activities. The City Attorney stated that a number of those activities are already covered by City ordinances, and noted that if an individual who was threatened refuses to cooperate, the case cannot be prosecuted.

Mr. Quincy added that the presence of an officer inhibits the inappropriate behavior. In regards to hiring security, he stated that the behavior is not occurring inside the building, but rather outside of the building.

Councilman Persson commented that many businesses are affected by the unruly behavior, and stressed that the City wants people to feel safe when they go to downtown Renton. Mayor Keolker emphasized that the City is still working on the matter, and is reviewing the design elements of the transit center, as well as the positioning of bus route offload locations.

Community Services: Cinema
on the Piazza, Alternate
Location

Turning to the subject of the Cinema on the Piazza event held on Saturday evenings during the summer, Mr. Persson asked Eric Temple, President of the Spirit of Washington, if he is willing to provide \$20,000 for this event. Mr. Temple confirmed that he is offering the funding now that Valley Medical Center has indicated that they will not sponsor the event in 2006. He stated his hope that the cinema event can be held at a location that does not conflict with the Pavilion Building event center.

Council President Corman explained that the question before Council concerns the City's position on whether to continue having the cinema event at the Piazza or at an alternate location. He noted that events at the Piazza may conflict with the showing of the movie or vice versa. Mr. Corman expressed his support for moving the cinema event to another location.

Mayor Keolker stated that the Administration distributed information to Council regarding this issue, and pointed out that in the City's Pavilion Building lease with the Spirit of Washington it is noted that the Cinema on the Piazza event is an allowed use. She indicated that it has not yet been shown that there will be a conflict. Mayor Keolker advised that if Council wants to move the event, the location will most likely be Liberty Park.

Continuing, the Mayor explained that the event was designed to draw people to the downtown area. Liberty Park is a bigger venue; however, she noted that the event may affect the baseball games held at the park, and will conflict with the Saturday of the River Days festival. Mayor Keolker also shared the concerns of the Piazza Renton volunteer group.

Councilman Clawson stated that it is not known if there will be a conflict, and he suggested waiting to see what will happen this summer. If there is a problem, the lease can be renegotiated. Councilwoman Briere said she attended an event at the Piazza Building that coincided with an event that had a band at the park, and she could not hear the band from inside the building.

Councilman Persson commented that Renton's image may be hurt if people attending one of the coinciding events have a bad experience. He pointed out that people may want to sit on the grass to watch the movie, such as at Liberty Park, rather than on the cement at the Piazza.

Councilwoman Palmer expressed her support for having the event at Liberty Park, saying that she prefers sitting on the grass. She also noted that the park has a play area for children.

Councilman Law noted that parking could be an issue for coinciding events, and that the event center has been successful in drawing a lot of people to the downtown area. He indicated that the \$40,000 cost for the cinema event should be shared with the business community. Mr. Law favored finding another location for this popular event.

MOVED BY CORMAN, SECONDED BY LAW, COUNCIL SUPPORT FINDING AN ALTERNATE LOCATION FOR THE CINEMA EVENT.*

Councilman Clawson expressed his support for keeping the event at its present location, saying that it can be relocated if problems occur.

***ROLL CALL: FOUR AYES: CORMAN, PERSSON, PALMER, LAW; TWO NAYS: BRIERE, CLAWSON. MOTION CARRIED.**

Mayor Keolker stated that the Administration will bring back a recommendation to Council. Councilwoman Briere asked the Administration to also review funding source options for the cinema event. (See page 106 for further discussion on this matter.)

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. At the request of Council President Corman, Item 5.h. was removed for separate consideration.

Council Meeting Minutes of 4/3/2006

Approval of Council meeting minutes of 4/3/2006. Council concur.

Appointment: Municipal Arts Commission

Mayor Keolker appointed Kristi Hand, 517 Smithers Ave. N., Renton, 98055, to the Municipal Arts Commission to fill the unexpired term of Jeremy Chambers, who has resigned (term to expire 12/31/2006). Refer to Community Services Committee.

CAG: 06-023, Airport #790 Building Construction, Lincoln Construction

City Clerk reported bid opening on 3/23/2006 for CAG-06-023, Airport Quonset Hut Building #790 Construction; three bids; engineer's estimate \$50,000; and submitted staff recommendation to award the contract to low bidder, Lincoln Construction, Inc., in the amount of \$129,851 (budgeted amount \$42,000). Refer to Transportation (Aviation) Committee for discussion of funding.

CAG: 06-039, Water Main Replacement; VJM Construction

City Clerk reported bid opening on 3/28/2006 for CAG-06-039, Water Main Replacement Project - N. 31st, N. 33rd, and NE 24th Streets; six bids; engineer's estimate \$237,314.56; and submitted staff recommendation to award the contract to low bidder, VJM Construction Co., Inc., in the amount of \$270,749.02. Council concur.

Annexation: Akers Farms, 108th Ave SE & Puget Dr S

Economic Development, Neighborhoods and Strategic Planning Department recommended a public hearing be set on 4/24/2006 to consider the proposed Akers Farms Annexation and R-8 zoning of 13.3 acres located south of Puget Dr. S. and east of 108th Ave. SE, if extended. Council concur.

Planning: The Landing Public Infrastructure, Transwestern Harvest Lakeshore

Economic Development, Neighborhoods and Strategic Planning Department recommended approval of an agreement with Transwestern Harvest Lakeshore LLC regarding improvements to public infrastructure for The Landing project. Refer to Committee of the Whole.

Transportation: Rainier Ave S Improvements (7th to 4th) Design, DMJM Harris

Transportation Systems Division recommended approval of an agreement in the amount of \$757,248 with DMJM Harris for the Rainier Ave. S. Improvements (S./SW 7th St. to S. 4th Pl.) design engineering services. Council concur.

Sound Transit: Rainier Ave S, Hardie Ave SW & SW 27th St/Strander Blvd Funding

Transportation Systems Division recommended approval of an agreement with Sound Transit regarding funding for the Rainier Ave. S., Hardie Ave. SW, and SW 27th St./Strander Blvd. projects. Refer to Transportation (Aviation) Committee.

Transportation: NE Sunset Blvd/Duvall Ave NE Intersection Improvements, Parametrix

Transportation Systems Division recommended approval of an agreement in the amount of \$182,179 with Parametrix, Inc. for the NE Sunset Blvd. (SR-900)/Duvall Ave. NE intersection improvements construction management services. Council concur.

CAG: 05-085, Talbot Hill Water Main Replacement Phase II, VJM Construction

Utility Systems Division submitted CAG-05-085, Talbot Hill Water Main Replacement Phase II; and requested approval of the project, authorization for final pay estimate in the amount of \$6,257.09, commencement of 60-day lien period, and release of retained amount of \$30,907.72 to VJM Construction Co., Inc., contractor, if all required releases are obtained. Council concur.

MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM 5.h. FOR SEPARATE CONSIDERATION. CARRIED.

Separate Consideration
Item 5.h.

Budget: 2006 Amendments

Finance and Information Services Department recommended approval of the 2006 Budget amendment ordinance, which increases the 2006 Budget in the amount of \$20,741,771.

MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL REFER ITEM 5.h. TO THE FINANCE COMMITTEE. CARRIED.

UNFINISHED BUSINESS
Finance Committee

Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 247137 - 247522 and two wire transfers totaling \$822,238.11; and approval of Payroll Vouchers 62841 - 63024, one wire transfer, and 604 direct deposits totaling \$2,062,144.96. MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Community Services: Cinema on the Piazza, Alternate Location

Referring to Council's decision to support an alternate location for the cinema event, Councilwoman Briere stated her hope that a precedent has not been set for other events that are held at the Piazza. She expressed her concern that the City may be allowing a tenant to take over the park, rather than letting the public enjoy it as originally planned.

Council President Corman clarified that his decision was based on compatibility, as the Piazza has reached capacity for the cinema event and a larger, grassy setting for the event is more appealing. Council Law emphasized that there is no interest in taking away the initial plan and reason for the Piazza. He stated for the record that he does not favor interfering with any of the events that the Piazza Renton group has had at the park to date.

Councilman Persson stated that he would not agree to move any of the other events. Mayor Keolker stated for the record that she would have preferred

waiting to see if there was a conflict before moving the cinema event. Councilman Clawson stressed that restroom access not be restricted at the Piazza.

RESOLUTIONS AND ORDINANCES

The following ordinance was presented for first reading and referred to the Council meeting of 4/17/2006 for second and final reading:

Planning: Airport Related Uses
Zoning Text Amendments (IM
Zone)

An ordinance was read amending Chapter 2, Zoning Districts - Uses and Standards; and Section 4-11-010 of Chapter 11, Definitions, of Title IV (Development Regulations) of City Code by revising the air transportation uses section of the medium industrial, heavy industrial, and center downtown zones, and the airport and aviation operations uses; and by revising definitions. **MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 4/17/2006. CARRIED.**

NEW BUSINESS

Planning: North Harrington
Redevelopment Outreach

MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL REFER NORTH HARRINGTON REDEVELOPMENT OUTREACH TO THE COMMITTEE OF THE WHOLE. CARRIED.

Council President Corman stated that this topic concerns the communication plan, as a great deal of misinformation is being disseminated about the redevelopment effort. He indicated that public testimony will not be taken on this topic at the April 17th Committee of the Whole meeting. Councilman Clawson explained that Council needs time to process the comments already received on the matter. Councilman Persson noted the importance of moving at a pace that allows the City and citizens to share and respond to information.

AUDIENCE COMMENT

Citizen Comment: Herzog -
Pavilion Building/Downtown
Transit Center Safety
Concerns

Linda Herzog, 16210 NE 116th St., Redmond, 98052, commented that the more activity there is in the downtown area, the safer it becomes.

ADJOURNMENT

MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:47 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann
April 10, 2006